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**IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA**

**FOURTH APPELLATE DISTRICT**

**DIVISION TWO**

In re A.O., a Person Coming Under the  
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

A.O.,

Defendant and Appellant.

E046981

(Super.Ct.No. J219803)

O P I N I O N

APPEAL from the Superior Court of San Bernardino County. Michael A. Knish,  
Temporary Judge. (Pursuant to Cal. Const., art. VI, § 21.) Affirmed.

Lisa Holder, under appointment by the Court of Appeal, for Defendant and  
Appellant.

No appearance by Plaintiff and Respondent.

A.O. (minor) appeals from an order adjudging him a ward of the juvenile court  
and placing him on home probation. Minor's counsel has filed a brief under the authority

of *People v. Wende* (1979) 25 Cal.3d 436 and *Anders v. California* (1967) 386 U.S. 738 [87 S.Ct. 1396, 18 L.Ed.2d 493] setting forth a statement of the case, a summary of facts, and potential arguable issues and requesting this court to undertake a review of the entire record. We have now conducted that review and affirm the judgment.

## I

### STATEMENT OF THE CASE

On March 25, 2008, pursuant to Welfare and Institutions Code section 602, minor was declared a ward of the juvenile court after admitting the allegations in a petition for felony vandalism (Pen. Code, § 594, subd. (b)(1)), and he was placed in the care, custody and control of his parents. Minor was also ordered to comply with the terms and conditions of his grant of probation.

On July 14, 2008, a subsequent petition was filed by the San Bernardino County District Attorney alleging that minor committed one count of receiving stolen property in violation of Penal Code section 496, subdivision (a).

After a contested hearing on September 29, 2008, the court sustained the petition, finding that minor had committed the crime of receiving stolen property. On October 28, 2008, the court continued minor on probation in the custody of his parents under the same terms previously imposed. In addition, minor was ordered to conduct 40 hours of community service, and to pay restitution to the victim in the amount of \$47 pursuant to Welfare and Institutions Code sections 730.6 and 730.7.

Minor filed a timely notice of appeal on October 29, 2008.

## II

### FACTUAL BACKGROUND

On June 17, 2008, at approximately 4:00 p.m., Donald Watson, who was a police officer for the San Bernardino Unified School District, was working extra hours as mall security, patrolling the parking lots at the Carousel Mall in San Bernardino. While patrolling in the parking lots, he was informed by a woman that minor was breaking into cars in the parking lot. As Watson approached minor in his patrol car, minor started throwing items from his pockets onto the ground. Minor tried to run away, but was eventually detained. Watson then retrieved the items minor threw on the ground, which included a camera, books, and a shaved ignition key. Minor had change in his pocket.

The owner of the car that was broken into identified the items found on the ground as belonging to her and having been in her car that morning. Change was missing from the car.

In his defense, minor testified that he was just walking through the mall parking lot when he was approached by Watson. He denied that he ran from Watson. He had his own money in his pockets. He never threw any items from his pockets and did not take any items from the woman's car.

### III

#### DISCUSSION

Counsel for minor filed his appellate brief arguing no substantive issues, but asking this court to make an independent review under *People v. Wende, supra*, 25 Cal.3d 436 and *Anders v. California, supra*, 386 U.S. 738.

We offered defendant an opportunity to file a personal supplemental brief, which he has not done. Minor's counsel suggested possible areas of inquiry in the opening brief, including whether the trial court abused its discretion by considering minor's prior felony convictions for purposes of impeachment, whether the trial court abused its discretion by refusing to reduce the instant felony offense to a misdemeanor pursuant to Penal Code section 17, subdivision (b), and whether there was sufficient evidence to support the petition.

When counsel files a brief raising no specific issues, we must conduct an independent review of the entire record to determine whether it reveals any issues which would, if resolved favorably to the minor, result in reversal or modification of the judgment. (*People v. Wende, supra*, 25 Cal.3d at pp. 441-442.)

The court below properly considered minor's prior sustained petitions for felony offenses as impeachment. The juvenile court took into account fairly recent offenses involving second degree commercial burglary occurring in June 2006, and felony vandalism from the February 2008 proceedings. Both have been found to be crimes involving moral turpitude and could be used to impeach defendant. (See *People v.*

*Campbell* (1994) 23 Cal.App.4th 1488, 1493 [felony vandalism]; *People v. Muldrow* (1988) 202 Cal.App.3d 636, 645 [burglary].)

Penal Code section 17, subdivision (b) expressly gives the trial court the power to reduce a wobbler (a violation of Pen. Code, § 496 is a wobbler offense) filed as a felony to a misdemeanor. (*People v. Mendez* (1991) 234 Cal.App.3d 1773, 1779.) A trial court's decision in exercising such power is subject to review under the deferential abuse of discretion standard. (*People v. Superior Court (Alvarez)* (1997) 14 Cal.4th 968, 977.) We have reviewed the trial court's denial of minor's request to reduce his felony offense to a misdemeanor and have concluded the juvenile court did not abuse its discretion.

Finally the evidence was sufficient to support the true finding on the petition. Minor was detained after dropping several items from his pocket and then running from Watson. Those items were identified by their owner as being taken from her car. It only needed to be proven that minor had possession of the property knowing it was stolen. (*People v. Land* (1994) 30 Cal.App.4th 220, 223.) Based on all of the surrounding circumstances, the juvenile court could reasonably conclude that minor was aware that the items he was seen throwing on the ground were stolen property and that he had dominion and control over the property to sustain the petition.

We have found no additional arguable issues.

IV

DISPOSITION

The judgment is affirmed.

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RICHLI  
Acting P.J.

We concur:

GAUT  
J.

MILLER  
J.